

Message

**From:** Henry, JeannaR [Henry.Jeannar@epa.gov]  
**Sent:** 1/25/2021 3:49:13 PM  
**To:** Melvin, Karen [Melvin.Karen@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]  
**CC:** Rogers, Rick [rogers.rick@epa.gov]  
**Subject:** FW: Federal Manager's Daily Report: Mon, Jan. 25, 2021

Good Morning Karen and Joan!

I am ecstatic to see Item No. 4 - [Restrictions on Guidance Documents, Several Other Trump Regulatory Policies Repealed](#). Hopefully this means we'll be able to starting using our (EPA's) guidance documents again to support our cases.

Thanks!

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**From:** Federal Manager's Daily Report <fmdr@fedweek.com>  
**Sent:** Monday, January 25, 2021 10:21 AM  
**To:** Henry, JeannaR <Henry.Jeannar@epa.gov>  
**Subject:** Federal Manager's Daily Report: Mon, Jan. 25, 2021

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# **Federal Manager's Daily Report**

*Monday, January 25, 2021*



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## **New 2021 GS Federal Pay Locality Tables Posted**

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### **Biden Repeals Trump Orders on Unions, Discipline, Schedule F**

President Biden has carried through on his promise to change direction from the Trump administration in key areas, starting with repeal of a number of Trump's major orders regarding the federal workplace. Read at <https://www.fedweek.com/fedweek/biden-repeals-trump-orders-on-unions-discipline-schedule-f/>

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### **Unions Praise Repeal of Orders but Full Impact Still to Be Seen**

Federal employee unions have praised President Biden's repeal of four key executive orders on federal workplace matters—on bargaining, official time, disciplinary policies and Schedule F—but the full impact may not be clear for some time. Read at <https://www.fedweek.com/fedweek/unions-praise-repeal-of-orders-but-full-impact-still-to-be-seen/>

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### **Covid Safety Order for Federal Workplaces Not Just about Masks**

While much of the focus on President Biden's executive order on pandemic safety in the federal workplace has focused on wearing of masks, the order also addresses other issues including availability of testing and inoculations.

The order tells agencies to take “immediate” actions “to require compliance with CDC guidelines with respect to wearing masks, maintaining physical distance, and other public health measures by on-duty or on-site federal employees; on-site federal contractors; and all persons in federal buildings or on federal lands.” Continue reading at <https://www.fedweek.com/fedweek/order-on-covid-safety-in-federal-workplaces-not-just-about-masks/>

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### **Restrictions on Guidance Documents, Several Other Trump Regulatory Policies Repealed**

President Biden has repealed two 2019 executive orders on issuing and enforcing agency guidance documents, policies the Trump administration had said were necessary to address over-reach by agencies that effectively set binding rules without going through the formal rules-making process.

In canceling those orders and several others Trump had issued regarding regulation, the new order says that they “threaten to frustrate the federal government’s ability to confront” economic and other problems and that agencies need to be free “to use appropriate regulatory tools” to address them.

One order set a general policy that agencies are to “treat guidance documents as non-binding both in law and in practice, except as incorporated into a contract, take public input into account when appropriate in formulating guidance documents, and make guidance documents readily available to the public.” It further required agencies to put their guidance documents on easily searchable public websites, and to review and rescind any that “should no longer be in effect.”

The second barred civil administrative enforcement action or adjudication based on agency guidance “absent prior public notice of both the enforcing agency’s jurisdiction over particular conduct and the legal standards applicable to that conduct” and further said that an agency could not treat noncompliance with a standard of conduct announced solely in a guidance document as a violation of law or regulation.

Biden also revoked a Trump order requiring agencies to repeal at least two regulations whenever a new regulation is issued and one requiring them to propose offsets to the

costs of discretionary administrative actions, or actions not required by statute, that increase mandatory spending.

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### **Performance Feedback Called Key to Employee Engagement**

A GAO report has said that “constructive performance conversations” are the number one indicator of employee engagement at all DHS components while four other indicators vary among them.

GAO was performing the latest of many evaluations of management issues at DHS which have put the department near the bottom annually among comparable agencies in employee engagement rankings drawn from the Federal Employee Viewpoint Survey and in the Partnership for Public Service’s best places to work in government report.

In the 2019 FEVS, it said, DHS did achieve its benchmark of a 61 percent positive rating on the “employee engagement index” that OPM compiles based on responses to a number of questions—although that only returned the department to the level of 2010, the first year OPM started producing that index.

In a deeper look at the data, GAO found for example that a survey respondent who answered positively to the question “my supervisor provides me with constructive suggestions to improve my job performance,” would have, on average, an individual engagement score 14 percentage points higher than someone who did not answer positively.

It also found variation by component among the other top four indicators: career development and training, work-life balance, inclusive work environment, and communication from management. The latter was most consistently ranked the lowest of the five, but for example career development and training was ranked second at CIS, FEMA, ICE and CBP but only fourth at CISA, while inclusiveness was ranked second at CISA and TSA but only fifth at CBP and fourth at CIS, the Secret Service and ICE.

GAO said that while both DHS in general and its components individually have implemented steps to improve employee engagement, some elements are lacking such as outcome-based performance measures. It said the department agreed with a

recommendation to address that issue as well as to make sure that components review and assess the results of their efforts.

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### **Expert's View: Interim Retirement Annuity Payments**

One question that arises almost immediately and almost invariably after someone retires is, "When do I get my money?" writes benefits expert Reg Jones. You'll find his column at <https://www.fedweek.com/reg-jones-experts-view/interim-retirement-annuity-payments/>

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### **Deferred Care Raising Health Risks to FEHB Enrollees, Says Report**

The inspector general's office at OPM has warned that FEHB enrollees taking health risks by deferring preventive care services due to the pandemic. It found that through last August, among carriers that represent 80 percent of the FEHB population women's preventive exams and colonoscopies each fell by about a third, mammograms by about a quarter and annual wellness visits, pediatric immunizations and prostate exams by about a fifth. Rates picked up in the fall but not by enough to make up for the earlier deferrals, it found. For a closer look, go to <https://www.fedweek.com/issue-briefs/deferred-preventive-care-raising-health-risks-to-fehb-enrollees-says-report/>.

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